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UN SECURITY COUNCIL COLLECTIVE

C O N F I D E N T I A L STATE 148463

E.O. 12356: DECL: 06/14/05

TAGS: MARR, PREL, UNSC, RW

SUBJECT: GOR IMPOUNDS UNAMIR FOOD SUPPLIES

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REF: A) USUN N Y 2393; B) SHESTACK-STETTENBAUER TELCON,
06/15/95

1. (C) REF A DESCRIBES GOVERNMENT OF RWANDA (GOR) IMPOUNDMENT OF TRUCKS CARRYING FOOD FOR UNAMIR, CLAIMING THAT THE CONTRACTOR BRINGING FOOD SUPPLIES INTO RWANDA MUST BEGIN TO PAY IMPORT DUTIES AND INCOME TAXES. THE STATUS-OF-MISSION AGREEMENT BETWEEN THE UN AND THE GOVERNMENT OF RWANDA IS CLEAR ON THE POINT THAT GOODS ENTERING THE COUNTRY FOR USE BY UNAMIR ENTER DUTY-FREE. AS A PRIVATE FRENCH COMPANY, THE CONTRACTOR ITSELF IS SUBJECT TO THE NORMAL REGULATIONS, TAXES, AND FEES ASSOCIATED WITH DOING BUSINESS IN RWANDA, BUT CANNOT BE CHARGED DUTY ON MATERIALS IT IMPORTS FOR UNAMIR. THE UN REPORTS THAT ALL PRIVATE CONTRACTORS IN RWANDA ARE BEING SUBJECTED TO THE SAME CLAIMS FOR IMPORT DUTIES AND INCOME TAXES, A REPORT THAT REF A PARA THREE APPEARS TO SUPPORT.
2. (C) FOR KIGALI: POST IS REQUESTED TO DETERMINE WHETHER THIS DISPUTE HAS BEEN RESOLVED. IF NOT, POST SHOULD

APPROACH THE GOR AT THE APPROPRIATE LEVEL TO MAKE THE FOLLOWING POINTS:

- O WE ARE INFORMED THAT TRUCKS CONTAINING FOOD SHIPMENTS FOR UNAMIR'S CONSUMPTION HAVE BEEN IMPOUNDED FOR NON-PAYMENT OF IMPORT DUTIES AND/OR INCOME TAXES BY THE PRIVATE CONTRACTOR.
- O WE DO NOT WISH TO BECOME INVOLVED IN A DISPUTE BETWEEN
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THE GOVERNMENT OF RWANDA AND PRIVATE ENTERPRISES
CONDUCTING BUSINESS IN RWANDA, BUT MUST REMIND THE
GOVERNMENT OF RWANDA OF ITS OBLIGATION TO ALLOW GOODS FOR
UNAMIR TO ENTER THE COUNTRY DUTY-FREE.

- O WE WISH TO POINT OUT THAT ALLOWING UNAMIR TO BECOME CAUGHT IN THE MIDDLE OF THIS DISPUTE UNFAIRLY PENALIZES THE PEACEKEEPING MISSION AND SENDS THE WRONG SIGNALS TO THE INTERNATIONAL COMMUNITY.

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O AS AN INTERNATIONAL ORGANIZATION, AND IN ACCORDANCE WITH THE TERMS OF THE STATUS-OF-MISSION AGREEMENT CURRENTLY IN FORCE BETWEEN THE GOVERNMENT OF RWANDA AND THE UNITED NATIONS, UNAMIR IS ENTITLED TO IMPORT FOOD AND OTHER ITEMS FOR ITS CONSUMPTION AND USE WITHOUT PAYING IMPORT DUTIES.

O WE URGE YOU TO ALLOW UNAMIR'S SUPPLIES TO PROCEED TO DELIVERY UNIMPEDED, AND TO FIND ALTERNATIVE MEANS OF SETTLING YOUR DISPUTE WITH THE PRIVATE CONTRACTOR ENGAGED IN TRANSPORTING THE SUPPLIES.

3. (C) FOR USUN: PLEASE FOLLOW UP WITH DPKO TO DETERMINE WHETHER THIS SITUATION REMAINS A PROBLEM FOR UNAMIR.
CHRISTOPHER

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